

**Borough of Watchung**  
**Planning Board Reorganization Meeting**  
**January 19<sup>th</sup> , 2010**  
**Minutes**

Salute to the Flag.

First order of business was for Councilman Pote to swear in Dianna Beck-Clemens for a two-year term ending December 31<sup>st</sup>, 2011.

Chairman Speeney, acting as Chairman Pro-tempore called the meeting to order at 7:38 and stated that notice of this meeting had been posted in Borough Hall, filed with the Borough Clerk and given in the way of notice to the Courier News, Echoes Sentinel, the Reporter and Star Ledger in conformance with the N.J.S.A. 10:4-6 et seq.

Present at the call of the roll were: Speeney[X] Boyd[A] Havas[X] Haveson[A] Addario[X] Pennett[X] Schaefer[X] Beck-Clemens[X] Panzarella[X] Ellis[A] Pote[X]

Chairman Pro-tempore Speeney sought a motion to waive the reading of and approve the **minutes** of December 15, 2009 as published. Mr. Havas made a motion to approve seconded by Mrs. Schaefer. Hearing no discussion, the Chair asked for a voice vote. Everyone voted in the affirmative, with the exception of Mrs. Pennett and Councilman Pote, who abstained. The minutes were approved.

The Chairman Pro-tempore turned the meeting over to Councilman Pote to take nominations for **Board Chair**. Councilman Pote asked for nominations from the Board for Chairman. Mr. Havas nominated Mr. Speeney for board Chairman. Mr. Addario seconded that nomination. Hearing no more nominations from the board, Councilman Pote asked if there was any discussion. Hearing none, Councilman Pote asked for a roll call vote. The vote was as follows:

Speeney[yes] Havas[yes] Addario[yes] Pennett[yes]  
Schaefer[yes] Beck-Clemens[yes] Panzarella[yes] Pote[yes]  
The motion carried.

Chairman Speeney explained that he had spoken to Mr. Boyd about accepting a nomination for **Vice-Chair** of the board. Mr. Boyd said he would accept a nomination for Vice-Chair. Mr. Linnus said that even though Mr. Boyd was not present, he could be nominated. Chairman Speeney nominated Mr. Boyd as Vice-Chair of the board and asked for a second. Councilman Pote seconded the motion. Hearing no more nominations from the board, the Chair asked for discussion. Hearing no discussion, the Chair asked for a roll call vote. The vote was as follows:

Speeney[yes] Havas[yes] Addario[yes] Pennett[yes]  
Schaefer[yes] Beck-Clemens[yes] Panzarella[yes] Pote[yes]  
The motion carried.

Chairman Speeney nominated Peter Havas as **Board Secretary** and asked for a second. Mrs Beck-Clemens seconded that motion. Hearing no more nominations from the board, the Chair asked for discussion. Hearing none, the Chair asked for a roll call vote. The vote was as follows:

Speeney[yes] Havas[yes] Addario[yes] Pennett[yes]  
Schaefer[yes] Beck-Clemens[yes] Panzarella[yes] Pote[yes]  
The motion carried.

**Havas read: PB10-R4** (Resolution to appoint Board Clerk and board Professionals)

The Chair accepted the reading of PB10-R4 as a motion to approve and asked for a second. Mrs. Schaefer seconded the motion. The Chair asked for discussion. The Chair thanked the Board Clerk Mrs. Taylor for her continued service to the board, and hearing no more discussion asked for a roll call vote. The vote was as follows:

Speeney[yes] Havas[yes] Addario[yes] Pennett[yes]  
Schaefer[yes] Beck-Clemens[yes] Panzarella[yes] Pote[yes]  
The motion carried.

**Havas read: PB10-R1** (Calendar of meetings)

Chairman Speeney accepted the reading of PB10-R1 as a motion to approve and sought a second. Mrs. Pennett seconded the motion and the Chair asked for discussion. Hearing none, the Chair asked for a roll call vote. The vote was as follows:

Speeney[yes] Havas[yes] Addario[yes] Pennett[yes]  
Schaefer[yes] Beck-Clemens[yes] Panzarella[yes] Pote[yes]  
The motion carried.

**Havas read: PB10-R2** (Adoption of by-laws)

Chairman Speeney accepted the reading of PB10-R2 as a motion to approve, and sought a second. Mrs. Beck-Clemens seconded the motion. The Chair explained the by-laws need to be adopted each year. Hearing no more discussion, the Chair asked for a roll call vote. The vote was as follows:

Speeney[yes] Havas[yes] Addario[yes] Pennett[yes]  
Schaefer[yes] Beck-Clemens[yes] Panzarella[yes] Pote[yes]  
The motion carried.

**Havas read: PB10-R3** (Designation of official papers)

Chairman Speeney accepted the reading of PB10-R3 as a motion to approve and sought a second. Mr. Addario seconded the motion. The Chair asked for discussion. Hearing none, the Chair asked for a roll call vote. The vote was as follows:

Speeney[yes] Havas[yes] Addario[yes] Pennett[yes]  
Schaefer[yes] Beck-Clemens[yes] Panzarella[yes] Pote[yes]  
The motion carried.

Chairman Speeney asked the Clerk to have Mrs. Beck-Clemens added to the Finance Committee, Mr. Boyd added to the County Planning Liason Committee and Mr. Panzarella added to the Site Plan and Subdivision Committee to serve as a first alternate.

**Vouchers-** The Chair read the vouchers and asked for a motion to approve. Mr. Havas made a motion to approve the vouchers, seconded by Mr. Addario. Hearing no disussion, the Chair asked for a roll call vote. The vote was as follows:

Speeney[yes] Havas[yes] Addario[yes] Pennett[yes]  
Schaefer[yes] Beck-Clemens[yes] Panzarella[yes] Pote[yes]  
The motion carried and the vouchers were approved.

Chairman Speeney discussed what was happening with COAH. He said that representatives of the Planning Board have met with the Council committee on COAH. The Chair explained he has been a member of this committee since last year. Chairman Speeney said he wanted to let the board be aware that the COAH obligation is still with us. The Chair stated that a Council Committee is being pro-active regarding our COAH obligation and are also investigating various overlay zones on Route 22. The Chair said this was suggested years ago. The Chair said that he wanted the board to know that there would be information coming to them from the Council, rather than the Planning Board having to find sites.

Chairman Speeney said that the Council is also being pro-active in tweaking the LDO. He said that they are working on what was pointed out; that the LDO created homes that are non-conforming. Chairman Speeney said that the Zoning Officer has basically said that probably 50% of the homes in the Borough don't comply with the LDO.

Therefore, Chairman Speeney said the LDO isn't as specific as they would like it to be in terms of grandfathering.

Chairman Speeney said that there was a meeting last evening where they have reached a point where he thought everyone would be satisfied as to how it is worded. Albert Cruz will be doing one more draft on this wording.

Chairman Speeney said they are also working on the definition of family and home offices.

Chairman Speeney brought up the combination of boards. Mr. Addario said that Bedminster, Roselle Park, Jefferson Township, Mount Olive and others have all abolished their Board of Adjustment. Chairman Speeney said that the MLUL talks about combining the boards. Chairman Speeney said he thought there was another method called the Land Use Board. Chairman Speeney said that according to Albert Cruz, there is no land use board in the MLUL. Mr. Addario asked what the responsibility of a land use board is. Mr. Linnus said that a land use board does everything. Mr. Havas asked what the difference was between a Planning Board that assumes the authority of a Board of Adjustment, and a Land Use Board. Mr. Linnus said that there are differences. The Chair said that one of the biggest differences, is if you create a Land Use Board as the method of Planning and Zoning in the municipality, you start from scratch with the membership. If you combine your boards and expand your Planning Board with an additional two alternates, then your Planning Board is intact. Mr. Havas asked if there is a difference as far as functions, duties and authority. Mr. Linnus said that once either board is

organized, they are basically the same. The Chair said that with the lack of work that this board has now, it gives the municipality the opportunity to economize. He said that the state has given them the opportunity to enable this.

The Chair said that because the re-exam of the Master Plan is called for in 2011, he would like the board to work this year on reviewing the assumptions that went through the last re-examination by reading the last re-examinations, talking as a board, in order to get everyone up to speed, so that when 2011 arrives, public hearings can be given and get the re-exam completed before the end of December. Chairman Speeney offered that possibly this could be something on the March agenda for discussion.

Mr. Addario asked if the board has pursued the violation or potential violation that occurred at Birchwood and Valley Road, and if so where does it stand. Mr. Addario said that he knows it was given to the Engineer. Mr. Addario said that there is a gazebo built there, issues with a brook and there is no enforcement of any kind. The Chair said this was out of the board's purview. Mr. Havas said he went to the zoning officer in November of last year. Mr. Linnus said that there is a clear separation of functions. He said that anyone can bring anything to the attention of the Zoning Officer, but then it shifts into the Zoning Officer's jurisdiction.

Mr. Linnus said that the Board is in litigation with the Ritchie matter as they are aware. He said that he just

received the appellants brief. He said they are challenging not only the decision of the Planning Board, but also Judge Ashrafi's decision, which upheld the Planning Board decision. Mr. Linnus said he will be working on the Board's brief and probably will have a closed session in February to discuss the litigation.

The Chair asked for any discussion from the public. Hearing none, he closed the public portion. With no more discussion from the Board, the Chair asked for a motion to adjourn. Mr. Havas made a motion to adjourn, seconded by Mrs. Schaefer. By voice vote, the Chair adjourned the meeting until the next meeting of February 16<sup>th</sup>, 2010.

Respectfully Submitted,

Carolyn Taylor  
Planning Board Clerk